# OFFICE OF THE HEARING EXAMINER KING COUNTY, WASHINGTON

850 Union Bank of California Building 900 Fourth Avenue Seattle, Washington 98164 Telephone (206) 296-4660 Facsimile (206) 296-1654

## REPORT AND RECOMMENDATION ON APPLICATIONS FOR REZONE AND PRELIMINARY PLAT APPROVALS

SUBJECT: Department of Development and Environmental Services File Nos. L00P0009 and

L00TY402

#### HIGHLAND ESTATES

Preliminary Plat Application Rezone Application

Location: Located at the southwest corner of the intersection of Southeast 136<sup>th</sup>

and 154<sup>th</sup> Avenue Southeast.

Applicant: U.S. Land Development Association

P.O. Box 22200

Seattle, WA 98122, represented by Michael Romano

Centurion Development Services

22617 8<sup>th</sup> Drive SE Bothell, WA 98021

Telephone: (425) 486-2563 Facsimile: (425) 486-3273

e-mail: michael.j.romano@gte.net

King County: Department of Development and Environmental Services,

Land Use Services Division, Current Planning Section,

represented by Karen Scharer 900 Oakesdale Avenue SW Renton, WA 98055-1219 Telephone: (206) 296-7114 Facsimile: (206) 296-6613

e-mail: karen.scharer@metrokc.gov

Interested Persons: Rebecca Lind

City of Renton

1055 South Grady Way 6<sup>th</sup> Floor

Renton, WA 98055

Telephone: (425) 430-6588 Facsimile: (425) 430-7300 e-mail: rlind@ci.renton.wa.us

**Ronda Bryant** 

15406 SE 136<sup>th</sup> Street Renton, WA 98059

Telephone: (425) 226-1204 e-mail: seacamel@hotmail.com

## SUMMARY OF DECISION:

Department's Preliminary Recommendation:

Department's Final Recommendation:

Examiner's Recommendation:

Approve, subject to conditions

Approve, subject to conditions

Approve, subject to conditions

## PRELIMINARY MATTERS:

Application or petition submitted: April 13, 2000 Complete application: May 3, 2000

### **EXAMINER PROCEEDINGS:**

Hearing Opened: May 17, 2001 Hearing Closed: May 17, 2001

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

## ISSUES/TOPICS ADDRESSED:

Rezone Standards

Changed circumstances Infrastructure upgrades Neighborhood compatibility

- Street trees
- Traffic and circulation

#### SUMMARY:

The rezone and preliminary plat applications are recommended for approval.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

#### FINDINGS:

#### 1. **General Information**:

Owner: U.S. Land Development Assoc.

PO Box 22200, Seattle, WA 98122

Phone: 425-486-2563

Engineer: Centurion Development Services

22617 8th Dr. SE, Bothell, WA 98021

Phone: 425-486-2563

Location: Southwest corner of the intersection of SE 136<sup>th</sup> Street and 154<sup>th</sup> Ave. SE

Acreage Rezone/Plat: 8.67 acres

Zoning: Existing R-4 to Proposed R-8

Number of Lots: 60

Density: 6.92 Dwellings per Acre Lot Size: 3,960 to 5,940 square feet

Proposed Use: single family
Sewage Disposal: City of Renton
Water Supply: Water District #90

Fire District: King County Fire District # 25

School District: Renton

Complete

Application Date: May 3, 2000

Threshold

Determination: Mitigated Determination of Non-Significance (MDNS)

Date of Issuance: February 23, 2001 King County Permits: Rezone & Subdivision

Permit Contact: Karen Scharer, Planner, Current Planning Section, LUSD

Phone # 296-7114 or e-mail at karen.scharer@metrokc.gov

Community Plan: Newcastle

Drainage Subbasin: Lower Cedar River

STR : 14-23-05 Parcels # 146340-0005

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the May 17, 2001 public hearing (as amended by Exhibit 21) are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the applications, subject to conditions.

- 3. The U.S. Land Development Association, through its representative Centurion Development Services, has requested a rezone of 8.67 acres from R-2 to R-8 in order to subdivide the property into 60 lots for single family residential development. The subdivision application is conjoined with the rezone request. The property is located in the Renton Highlands area within a neighborhood that is undergoing transition from rural residential to urban development. To the northwest of Highland Estates, 218 lots are currently under development within the plat of Maplewood, which has been recently annexed to the City of Renton. Directly west of the site is an undeveloped King County Parks property. Parcels lying to the north are sparsely developed, and many can be expected in the future to convert to urban densities. A potential for urban density redevelopment also exists in the parcels lying east and southeast of the applicant's property. On the other hand, the neighborhood lying to the south and southwest of Highland Estates contains newer residential properties and is unlikely to redevelop in the near future. Most of these southerly properties are approximately ¼ acre in size, with the parcel directly adjacent to the site's southern boundary containing 3 acres.
- 4. A Mitigated Determination of Non-Significance (MDNS) was issued under SEPA for the Highland Estates proposal on February 23, 2001. The MDNS requires the applicant to install a southbound right turn pocket and a northbound left turn lane at the intersection of 156<sup>th</sup> Avenue Southeast and Southeast 136<sup>th</sup> Street. Highland Estates lies within the potential annexation area for the City of Renton, and the southernmost portion of Maplewood nearest to Highland Estates is zoned R-8 by the City. The City would prefer to see the plat designed to its standards for lot size and dimensions, and for serving road rights of way to be at City widths as well. In the absence of an interlocal agreement with the City, however, King County standards will apply. The City was prepared to offer testimony on these and other issues but withdrew from participation in the hearing based on the applicant's proposal to create a pedestrian tract linking the plat west to the park property.
- 5. Traffic and circulation issues have dominated the discussion of the Highland Estates applications. Southeast 136<sup>th</sup> Street on the northern plat boundary is currently a gravel road connecting east to 156<sup>th</sup> Avenue Southeast. The plat's internal road system proposes to access Southeast 136<sup>th</sup> Street and pave it from the plat entrance east to 156<sup>th</sup> Avenue Southeast. 154<sup>th</sup> Avenue Southeast on the plat's eastern boundary is also proposed to be paved in order to provide for future road circulation to the south. On the plat's western boundary, 152<sup>nd</sup> Avenue Southeast will remain undeveloped due in part to the difficulty of obtaining additional right of way from the adjacent park. In addition, leaving 152<sup>nd</sup> Southeast unopened will act to insulate the lower density neighborhood to the southwest from the higher density impacts associated with Highland Estates and Maplewood.
- 6. Although development of the linkage has been somewhat haphazard, it is clear that the higher density urban residential projects proposed for Highland Estates and Maplewood are interdependent with respect to their infrastructure requirements. Maplewood has brought sewer connections into the neighborhood, and Highland Estates will provide a pump station that will facilitate their future extension to the east. In addition, the road and traffic requirements for the two plats are innerconnected. The inability of Maplewood to obtain easements for the widening of Southeast 132<sup>nd</sup> Street east to 156<sup>th</sup> Avenue Southeast has resulted in the projected reorientation of southbound Maplewood traffic to the Southeast 136<sup>th</sup> Street route.

Maplewood will provide road improvements within the Southeast 136<sup>th</sup> Street right of way west of the Highlands Estates access entrance, thus enabling Maplewood traffic to exit to 156<sup>th</sup> Avenue Southeast via that connection.

For its part, Highland Estates will provide the remainder of the improvements along Southeast 136<sup>th</sup> Street east of the access entrance, as well as the turn lane upgrades at the 156<sup>th</sup> Avenue Southeast intersection. The two plats together, along with existing residential traffic in the neighborhood, will bring the ADT for Southeast 136<sup>th</sup> Street to nearly 1,000 vehicles per day. This is an acceptable level for a residential street but far greater volumes than currently experienced.

7. 156<sup>th</sup> Avenue Southeast is a busy commuter arterial linking Southeast 128<sup>th</sup> Street on the north to the Maple Valley Highway on the south. Neighborhood residents described the difficulties already encountered in making left turns from Southeast 136<sup>th</sup> Street onto 156<sup>th</sup> Avenue Southeast northbound during rush hour periods. While traffic volumes at this intersection will increase, the connection to Maplewood to the northwest will give the neighborhood a safer and more convenient alternative for traffic headed west on Southeast 128<sup>th</sup> Street. Maplewood will install a signal at the intersection of 148<sup>th</sup> Avenue Southeast and Southeast 128<sup>th</sup> Street that will facilitate movement of neighborhood traffic to destinations both north and west of Highland Estates.

### **CONCLUSIONS:**

- 1. Due to the presence of a rezone request, the Highland Estates applications are not vested to the regulations and policies in effect on the date that complete applications were filed; rather they are subject to the regulations and policies in existence on the date of rezone approval. This means that the package of policy and regulatory changes adopted by the County Council on March 12, 2001 as part of the 2000 Comprehensive Plan review are deemed applicable to this proposal. These regulatory changes include, first of all, amendments to the rezone approval standards set forth at KCC 20.24.190, in particular, new requirements that proposals to increase urban residential density meet the criteria of Comprehensive Plan Policies U-118 through U-123. Of specific importance with respect to Highland Estates are Policies U-119a and U-121.
- 2. New Comprehensive Plan Policy U-119a requires that urban area density increases shall not be approved through the rezone process unless "the development will be compatible with the character and scale of the surrounding neighborhood". As pointed out by staff, the entire area surrounding Highland Estates was reclassified to R-4 by the County Council in 1995, thus imposing as a necessary premise that urban density residential development at the R-4 classification is to be deemed compatible. With respect to further increasing densities to R-8, no incompatibility issues exist west of the plat where the park property is located, nor to the northwest where the recently approved Maplewood project is under development. Urban compatibility issues are also not generally a problem to the north or east where rural residential lots and undeveloped parcels can be expected to convert to more dense urban development. On the south, however, and to the southwest, recent residential development at lower densities presents some potential for conflict. This conflict is mitigated, however, by the decision to forego constructing a direct road connection between Highland Estates and the neighborhood to the southwest via the 152<sup>nd</sup> Avenue Southeast right of way.

- 3. Newly adopted Comprehensive Plan Policy U-121 supports "increases in urban residential density through a rezone...when the proposal will help resolve traffic, sewer, water, parks or open space deficiencies in the immediate neighborhood". Our reading of this policy is that when new neighborhood infrastructure is made feasible by the additional density requested within a rezone, the potential infrastructure benefits to be derived from the density increase are to be viewed as a supporting rationale for granting the rezone request. In the instant situation, the Highland Estates application will provide neighborhood infrastructure benefits in the form of offsite road improvements along Southeast 136<sup>th</sup> Street and at its intersection with 156<sup>th</sup> Avenue Southeast. In addition, a sewer lift station will be constructed by the applicant that will extend the potential sewer service area to encompass approximately 50 acres southeast of the plat. These are significant infrastructure improvements that benefit the neighborhood as it converts to urban densities, the costs of which are only feasible for the applicant with the increased density contemplated by the rezone request. Thus, the considerations which underlie policy U-121 apply to this proposal.
- 4. The rezone request must also comply with the changed circumstances requirement stated at KCC 20.24.190 D. Among the circumstances that have changed since the 1995 area-wide zoning are the urban level development taking place at Maplewood northwest of Highland Estates and its annexation into the City of Renton, with R-8 zoning specified on that portion of Maplewood closest to the Highland Estates boundary. A further changed circumstance is the introduction of sewer service into the area. These changed circumstances affect the Highland Estates property in a manner and degree different from other properties in the vicinity due to Highland Estates' interdependent relationship with Maplewood in the provision of needed area infrastructure. The sewer and road improvements for the two plats are necessary to make this first stage of urban conversion successful, and will provide an infrastructure foundation for further development of other properties consistent with the R-4 designation.
- 5. The applicant has raised the question of whether the street trees provisions contained within Section 503 of the King County Roads Standards (KCRS) are plat development requirements in the absence of a zoning overlay provision mandating their implementation. KCRS 5.03A states that "street trees and landscaping should be incorporated into the design of road improvements for all classifications of roads". The applicant argues that use of the word "should" makes these provisions optional. DDES, on the other hand, argues that these provisions are intended to be mandatory.

While the word "should" may be potentially misleading, it needs to be interpreted within the overall context of the King County Roads Standards, which are not policies but construction requirements. As stated in Section 102, the standards "shall apply prospectively to all newly constructed road and right of way facilities". Therefore the intention is to create mandatory requirements, notwithstanding that in some locations the word "should" may appear.

- 6. The public necessity, convenience and general welfare will be served by the proposed reclassification.
- 7. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.

L00P0009-Highland Estates 7

8. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

#### RECOMMENDATION:

APPROVE the reclassification of the subject property to R-8 in lieu of R-4, and GRANT the preliminary plat application for Highland Estates as received April 13, 2000, subject to the following conditions of final approval:

- 1. Compliance with all platting provisions of Title 19 of the King County Code.
- 2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
- 3. The plat shall comply with the base density (and minimum density) requirements of the R-8 zone classification. All lots shall meet the minimum dimensional requirements of the R-8 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
- 4. The applicant must obtain final approval from the King County Health Department for the septic system or well on site to be abandoned.
- 5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
- 6. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.
- 7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering

Review, shall be shown on the engineering plans.

c. The following note shall be shown on the final recorded plat:

All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."

- d. The stormwater detention design shall comply with the Level 2 Flow Control requirements per the 1998 King County Surface Water Design Manual (KCSWDM). A surface water adjustment to Core Requirement 1 of the KCSWDM is required to divert approximately 0.6 acres from the easterly offsite SE 136<sup>th</sup> St. to the onsite detention facility (as described in the preliminary TIR received April 13, 2000). If the diversion option is selected, this adjustment shall be obtained prior to engineering plan approval.
- e. The storm water control facility shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180.
- 8. The following road improvements are required for this subdivision to be constructed according to the 1993 King County Road Standards(KCRS):
  - a. The internal access loop road shall be improved to the urban subaccess street standard. Note that 153<sup>rd</sup> Place SE (SE 136<sup>th</sup> Lane to SE 136<sup>th</sup> St.) shall be improved to the urban subcollector street standard if the R-8 zoning is approved.
  - b. FRONTAGE: The frontage of the site along SE 136<sup>th</sup> Street shall be improved to the urban subcollector street standard on the south side. The north side shall be improved with a minimum 11 ft. driving lane with rural type shoulders or as approved by DDES.
  - c. FRONTAGE: The frontage of the site along 154<sup>th</sup> Ave. SE shall be improved to the urban half street standard.
  - d. OFF SITE: SE 136<sup>th</sup> Street (154<sup>th</sup> Ave. SE to 156<sup>th</sup> Ave. SE) shall be improved to the rural neighborhood collector street standard.
  - e. Tracts B, D, and E shall be improved as joint use driveways, pursuant to Section 3.01 of the KCRS. Note that this condition applies if the R-8 zoning is approved.
    - Tract C (if R-8 zoning is approved) shall be improved as a private access tract per Section 2.09 of the KCRS. Tract C shall be privately maintained by the owners of Lots 20 through 22.
  - f. Modifications to the above road conditions may be considered according to the variance

provisions in Section 1.04 KCRS.

- 9. There shall be no direct vehicular access to or from 154<sup>th</sup> Ave. SE from those lots which abut it. A note to this effect shall appear on the engineering plans and final plat.
- 10. Off-site access to the subdivision shall be over a full-width, dedicated and improved road which has been accepted by King County for maintenance. If the proposed access road has not been accepted by King County at the time of recording, then said road shall be fully bonded by the applicant of this subdivision.
- 11. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
- 12. Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
- 13. A paved area for students waiting for school buses shall be constructed at the intersection of 156<sup>th</sup> Avenue Southeast with Southeast 136<sup>th</sup> Street to the satisfaction of the Renton School District and accepted by King County. Acceptable improvements may include sidewalks and/or paved shoulders located outside of the traveled way. The paved pedestrian waiting area shall be reviewed and approved by Renton School District and King County DDES prior to engineering plan approval.
- 14. Suitable recreation space shall be provided consistent with the requirements of Ordinance 14045 (which amended KCC 21A.14.180 and KCC 21A.14.190) in providing sport court[s], children's play equipment, picnic table[s], benches, etc...
  - a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements in conformance with Ordinance # 14045. The approved engineering plans shall be consistent with the overall conceptual plan.
  - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents. This plan shall comply with Ordinance # 14045.
  - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
- 15. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).

- 16. Street trees shall be included in the design of all road improvements, and shall comply with Section 5.03 of the KCRS and KCC 21A.16.050:
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
  - g. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on current County fees.

- 17. The following requirements have been established under SEPA authority as necessary to mitigate the adverse environmental impacts of this development. The applicants shall demonstrate compliance with these items prior to final approval.
  - The applicant of Highland Estates plat shall construct a southbound right turn pocket (with appropriate roadway shoulder) on 156<sup>th</sup> Ave. SE at its intersection with SE 136<sup>th</sup> Street. The engineering plans for the turn lane must be reviewed and approved by DDES and the King County Traffic prior to engineering plan approval of the plat.

- The applicant of Highland Estates shall, either individually or in conjunction with other developments in the area, construct a northbound left turn lane on 156<sup>th</sup> Ave. SE at the intersection with SE 136<sup>th</sup> Street. The engineering plans for the turn lane must by reviewed and approved by DDES and the King County Traffic prior to engineering plan approval of the plat.
- 18. Tract E as shown on Exhibit 26 is a pedestrian and future emergency vehicle access tract that the applicant proposes to create in response to concerns raised by the City of Renton. The applicant shall include proposed protocols for the construction and maintenance of Tract E, plus any related plat notes, with its engineering plans submittal.

ORDERED this 23rd day of May, 2001.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 23rd day of May, 2001, to the following parties and interested persons:

Bruce and Joyce Osgoodby 13456 156th St SE Renton WA 98059	Ronda Bryant 15406 SE 136th Street Renton WA 98059	Thomas Carlyle 621 Pacific Avenue, #300 Tacoma WA 98402-4611
Robert Darrow Haozous Engineering 15428 - 45th Court Mukilteo WA 98275	Claudia & Michael Donnelly 10415 - 147th Avenue SE Renton WA 98059 Redmond WA 98052	Roger Dorstad Evergreen East Realty 16651 NE 79th Street
Dryco Surveying & Mapping 12714 Valley Avenue East Sumner WA 98390-1522	Donald Ehlert 15502 SE 136th Street Renton WA 98059	Ray Griffin 12819 - 160th Avenue SE Renton WA 98059
John and Valerie Hallum 15415 SE 136th Street Renton WA 98059	Edward & June Hill 13527 156th St. SE Renton WA 98059	Howard Stansbury U S Land Development PO Box 82278 Kenmore WA 98028
Ron Hudpes Burnstead Construction 1215 - 120th Avenue NE #201 Bellevue WA 98005	Karen Long and Jerry Kierig 15403 SE 136th Street Renton WA 98059	King County Envir Health Div Eastgte Publc Health Ctr 14350 SE Eastgate Way Bellevue WA 98007

George Kritsonis 13817 - 152nd Avenue SE Renton WA 98059

Eleanor Moon K C Executive Horse Council 12230 NE 61st Kirkland WA 98033

Greg Borba DDES/LUSD MS OAK-DE-0100

Kristen Langley KCDOT Roads Division MS KSC-TR-0222

Carol Rogers
DDES/LUSD
MS OAK-DE-0100

Larry West
DDES/LUSD
Site Development Services
MS OAK-DE-0100

Linda Matlock WA State Dept Ecology WQSW PO Box 47696

Olympia WA 98504-7696

Dave Nyblom 13606 - 158th Avenue SE Renton WA 98059

Kim Claussen DDES/LUSD Current Planning MS OAK-DE-0100

Aileen McManus KCDOT Roads Division MS-KSC-TR-0222

Karen Scharer DDES/LUSD Current Planning MS OAK-DE-0100

Bruce Whittaker
DDES/LUSD
Engineering Review
MS OAK-DE-0100

Don D. Milbrath 15624 SE 137th Pl Renton WA 98059

Mike Romano Centurion Dev. Services 22617 8th Drive SE Bothell WA 98021

Nick Gillen
DDES/LUSD
Site Development Services
MS OAK-DE-0100

Mark Mitchell DDES/LUSD Current Planning MS OAK-DE-0100

Steven C. Townsend DDES/LUSD Land Use Inspection MS OAK-DE-0100

### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before June 6, 2001. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before June 13, 2001. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE MAY 17, 2001 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L00P0009 & L00PTY402

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Karen Scharer, Bruce Whittaker, Aileen McManus. Participating in the hearing and representing the Applicant were Mike Romano, Gary Norris, Ed McCarthy. Other participants in this hearing were Ronda Bryant for the neighborhood.

The following exhibits were offered and entered into the record:

Exhibit No. 1 DDES File No. L00TY402 Application dated 4-13-00

L'Amon 10. 1	DDES THE 110. E001 1402. Application dated 4 13 00
Exhibit No. 2	DDES File No. L00P0009 Application dated 4-13-00
Exhibit No. 3	DDES preliminary report, prepared 5-1-01
Exhibit No. 4	Environmental Checklist dated 4-12-00
Exhibit No. 5	Mitigated Determination of Non-significance dated 2-23-01
Exhibit No. 6	Affidavit of Posting indicating 5-1-7-00 as date of posting and 5-22-00 as the date the
	affidavit was received by DDES
Exhibit No. 7	Site Plan (Plat Map) dated 3-27-00 received 4-13-00
Endellaid May 0	A accessors where CVI 14 22*05 Pr NVV 14 22 05

Exhibit No. 8 Assessors map SW 14-23\*05 & NW 14-23-05

Exhibit No. 9 Traffic Study by Gary Struthers, Inc. received 4-13-00 Exhibit No. 10 Manlewood Traffic Impact Analysis, prepared by Transpor

Exhibit No. 10 Maplewood Traffic Impact Analysis, prepared by Transportation Planning & Engineering, Inc., received 8-25-00

- Exhibit No. 11 Traffic Memo by Gary Struthers, Inc. received 11-28-00
- Exhibit No. 12 Revised Traffic Study by Gary Struthers, Inc. Revised Traffic Study 1/17/01, dated 11-12-01
- Exhibit No. 13 Preliminary Technical Information Report by Haozous Eng. PS received 4/13/01
- Exhibit No. 14 Ltr received from C. Donnelly –opposed, dated 8-31-00, received 9-6-00
- Exhibit No. 15 E-mail from the Frank & Ronda Bryant 11-20-00
- Exhibit No. 16 Ltr from City of Renton regarding SEPA TD dated 3-21-01
- Exhibit No. 17 Ltr from K Long & Kierig, dated 3-17-01 received 3-19-01
- Exhibit No. 18 Received 8-22-00 Ltr from Four Creeks UAC, dated 8-18-00
- Exhibit No. 19 E-mails received from C. Donnelly --opposed
- Exhibit No. 20 Ltr received May 2, 2001 from Jeffery Gibbs opposed to rezone & has traffic & safety concerns
- Exhibit No. 21 DDES revised staff report
- Exhibit No. 22 Memo from Gary Struthers and Assoc. Tract analysis for Highland Estates dated 2-16-01
- Exhibit No. 23 Email from Rebecca Lind, City of Renton dated 3-17-01

Exhibits offered for the applicant

- Exhibit No. 24 Potential Service Area Map
- Exhibit No. 25 Map-Conceptual Intersection Plan
- Exhibit No. 26 Drawing-Future Emergency Vehicle & Pedestrian Access
- Exhibit No. 27 Drainage Map

Offered by DDES

Exhibit No. 28 Map done by Renton NE 4<sup>th</sup> Street Corridor LUA's and PA's.

SLS:sla

Plats/L00P0009 rpt